

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DUSTON MILLER,  
Plaintiff(s),  
v.  
LAS VEGAS METRO  
DEPARTMENT, et al  
Defendant(s).

Case No.: 2:17-cv-02021-RFB-NJK

## ORDER

(Docket No. 53)

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,  
Defendant(s).

Defendant(s).

Pending before the Court is Plaintiff's motion for an order directing the U.S. Marshal to Defendant T. Olson pursuant to 28 U.S.C. § 1915(d). Docket No. 53. The motion is properly filed without a hearing. *See* Local Rule 78-1.

On July 19, 2019, the Court granted a similar motion by Plaintiff, ordering the U.S. Marshal to attempt service on five Defendants, including Defendant T. Olson. Docket No. 33 at 2. The Court further ordered that, if the U.S. Marshal could not serve those Defendants and Plaintiff failed to have service again attempted on them, Plaintiff would have to file a motion that specified the detailed name or address for any unserved Defendant, or whether some other manner of service should be attempted. *Id.*

In early August 2019, summons were returned executed for the five Defendants. Docket 35, 38. However, on August 29, 2019, Defendants Las Vegas Metropolitan Police Department (LVMPD), Joseph Lombardo, Yancey Taylor, and Jeremy Hitt moved to dismiss Defendant T. Olson, submitting that—although the summons and complaint were left at the Clark County Detention Center (CCDC) for Defendant Olson, an alleged law librarian there—Defendant never worked for LVMPD and thus “it is unclear how CCDC accepted service” on his or

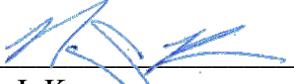
1 her behalf, meaning that Defendant Olson is likely unaware that he or she has been sued. Docket  
2 No. 42 at 1.

3 On November 1, 2019, Plaintiff filed the instant motion, submitting that he discovered—  
4 from Defendant LVMPD’s initial disclosures on October 23, 2019—that Defendant T. Olson “may  
5 be employed at and by the Clark County Law Library at” 309 S. Third St., Suite 400, Las Vegas,  
6 Nevada 89155. Docket No. 53 at 1–2. Plaintiff’s motion asks the Court to order the U.S. Marshal  
7 to serve Defendant T. Olson at this location. *Id.* at 2. For the reasons stated in the Court’s order  
8 at Docket No. 33, the Court **GRANTS** Plaintiff’s motion. Docket No. 53.

9 Accordingly, the Court **INSTRUCTS** the Clerk to send Plaintiff one USM-285 form.  
10 Plaintiff will have thirty days from the date of this order within which to furnish to the U.S. Marshal  
11 the required USM-285 form with relevant information for Defendant T. Olson. The U.S. Marshal  
12 shall then attempt to serve Defendant T. Olson. The Court further **ORDERS** that Plaintiff must  
13 file a notice with the Court identifying whether Defendant T. Olson was served within twenty days  
14 after receiving back from the U.S. Marshal a copy of the USM-285 forms showing whether service  
15 has been accomplished. If service was not accomplished and Plaintiff wishes to have service again  
16 attempted on Defendant T. Olson, Plaintiff must file a separate motion with the Court specifying  
17 a more detailed name or address for Defendant T. Olson, or whether some other manner of service  
18 should be attempted.

19 IT IS SO ORDERED.

20 Dated: November 21, 2019

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Nancy J. Koppe  
United States Magistrate Judge

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